

City of Woodland

POLICE DEPARTMENT 520 COURT STREET WOODLAND, CALIFORNIA 95695 (916) 662-3922

January 3, 1979

University of California, Berkeley
Institute of Governmental Studies
Berkeley, California 94720

Attn. Jack Leister, Head Librarian, IGS

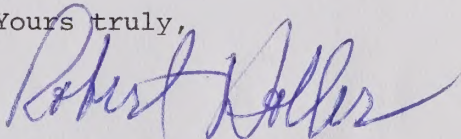
Dear Sir:

In response to your letter of the 11th of December, I am forwarding a copy of policies, which were the results of nine months of discussions with the local Justicia.

We injected many of the suggestions of the Committee into our updated policy. This department feels that, through these discussions, we have a better understanding between our citizens and the police department.

If we can be of any further service, please call on us.

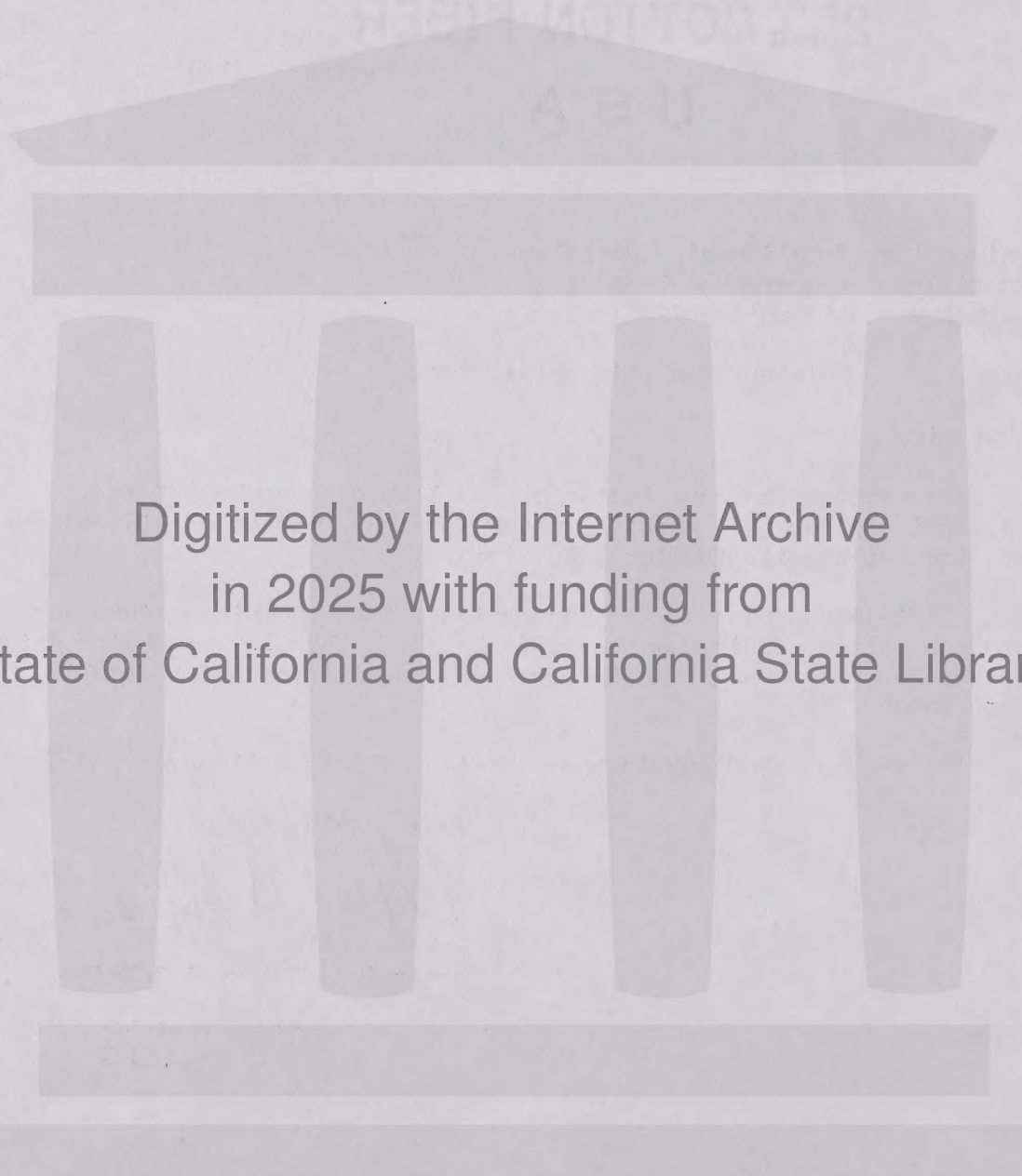
Yours truly,



Robert Holler
Detective, Internal Affairs

RH:rk

Police -- Co. Woodland
Police -- Complaints
against -- Co. Woodland
public works -- Police --
Co. Woodland
Firearms -- Laws +
regulations --
Co. Woodland



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POLICY REGARDING UNDOCUMENTED PERSONS OR ILLEGAL ALIENS

1. The enforcement of immigration laws as set forth under the U.S. Code is the primary responsibility of agents of the Immigration and Naturalization Service. Officers of the Woodland Police Department shall not stop or detain any person for the purpose of determining if that person is legally present in the United States.

2. When an individual is identified as a suspect or is arrested for violation of a state or local statute and there is probable cause to believe that the person is also an undocumented person ("illegal alien"), the person shall be lodged in the Yolo County Jail for the appropriate state or local charge and proper notification of Immigration Naturalization Service Officers shall be made, or the person shall be released directly to I.N.S. officers.

3. For purposes of this policy and its interpretation, minor infraction of the Vehicle Code in which arrest is not the normal procedure shall not be considered as an arrest. In no case shall mere suspicion that a person is an undocumented person be considered cause for stop, interrogation or investigation of any individual to determine the legality of his status in this country.

COMMUNITY INVOLVEMENT POLICY

The Police Department has engaged over the years in various activities and programs to encourage or assist greater community understanding of and cooperation with the objectives and work of the Police Department. The Department shall continue to seek to develop improved liasion with various segments of the community and otherwise to provide good community relations.

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UNIVERSITY OF CALIFORNIA

STOP AND FRISK

I. INTRODUCTION

The Fourth Amendment prohibits unreasonable searches and seizures. The Courts have held that when individuals are "stopped" for investigation by a peace officer, a "seizure" of the person has occurred within the meaning of the Fourth Amendment. As a result, there must be a reasonable basis for the seizure.

The Fourth Amendment attempts to strike a balance between the individual right of privacy and the legitimate need of law enforcement to conduct brief investigations of criminal conduct without the necessity of making an arrest. The law of "Stop and Frisk" is designed to strike that balance.

No matter how a statute is worded it cannot convey power to an officer to do more than that which courts define as valid exercise of police conduct under the Constitution of the United States or the constitution of the state in which a local or state officer is employed. The Department shall provide officers with the monthly Law Review from the Attorney General's Office and the District Attorney's memos on changes in criminal law.

II. DEFINITIONS

STOP FOR QUESTIONING: A stop for questioning is a seizure of a person and is justified when a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity is afoot and that the individual is involved.

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1 FRISK OR PAT DOWN: Is a search within the meaning of the
2 Fourth Amendment and is justified when the officer questioning
3 an individual develops a belief that the suspect may be
4 armed and dangerous. The frisk is justified if made under
5 circumstances where a reasonable prudent man would be
6 warranted in the belief that his safety or the safety of
7 others is in danger.

8 DISTINGUISH, PROBABLE CAUSE FOR ARREST: An officer has cause
9 for arrest when it appears to the officer that more likely
10 than not that a crime has been committed, and more likely
11 than not that the person arrested committed it.

12 III GUIDELINES

13 A. THE STOP

14 When May an Individual Be Stopped?

15 An officer may stop a citizen for investigation
16 whenever he believes that criminal activity may be afoot. There
17 are not hard and fast rules as to when the stopping is
18 necessary.

19 Three requirements, however, must be met.

20 (1) There must be a rational suspicion by the
21 peace officer that some activity of a criminal
22 nature is or has been taking place.

23 (2) There must be some factor to connect the
24 person under suspicion with the criminal activity.

25 (3) There must be some suggestion that the
26 activity is related to crime.

27 The Courts have held the following factors usually
28 in combination to be significant in determining whether the

1 officers properly stopped an individual. It should not be
2 assumed that any of these factors, standing alone, necessarily
3 justifies stopping the individual.

4 (1) Report of recent crime in the area.

5 (2) It is night time.

6 (3) The place is know as an area of frequent
7 and current crimes.

8 (4) There is information that criminal
9 activity was scheduled to take place of
10 the type consistent with what the persons
11 are seen doing.

12 (5) There is knowledge that the person was
13 previously convicted of the suspected crime.

14 (6) The persons were sitting in a parked
15 car at an unusual time and place.

16 (7) The person was driving a car in an erratic
17 or suspicious fashion.

18 (8) The persons gave cause to believe that they
19 were violating motor vehicle laws.

20 (9) The persons acted in an unusual manner
21 (furtive movement, etc) at the approach of the
22 officer.

23 The courts have stressed that in justifying the
24 particular detention the police officer must be able to point
25 to specific facts, clearly expressed, which when taken
26 together with rational inferences from those facts, reasonably
27 warrant the intrusion. The courts apply an objective standard
28 and officers' inarticulate hunches and subjective good faith

1 are not enough to justify the detention. These factors may
2 be based on the officer's observations, information received
3 from other sources, expertise possessed by the officer, other
4 circumstantial factors mentioned above, or a combination
5 of some or all of these.

6 How Long May An Individual Be Detained?

7 Once an individual has been lawfully stopped, he may
8 be detained for as long as is reasonably necessary to
9 accomplish the purpose for the stop.

10 Officers stopping a vehicle for a citation may only
11 detain the vehicle long enough to issue a citation.

12 If further suspicious facts are brought to the
13 officer's attention during a period of lawful detention this
14 will justify detaining the individual until the further
15 facts can be investigated.

16 If necessary in the reasonable investigation of a
17 crime an individual may be detained so that the victim of
18 the crime may confront him.

19 B. THE FRISK

20 When May An Individual Be Frisked?

21 A "frisk" is a cursory search of the outer clothing
22 of the person stopped. Just as a "stop" is a seizure within
23 the meaning of the Fourth Amendment, a "frisk" is a search
24 within the meaning of the Fourth Amendment and there must be
25 a reasonable basis for the frisk. The basis for any frisk is
26 to prevent danger to the officer from an unexpected assault.
27 But there must be some evidence that the officer reasonably
28 believed he was confronting a person who had an instrumentality

1 on his person capable of inflicting injury. Thus, the courts
2 have held that the officer must be able to point to particular
3 facts from which he reasonably believed in the light of his
4 experience that the individual he was dealing with was
5 armed and dangerous.

6 The officer may not indiscriminately frisk every
7 individual he stops, and should be able to point to particular
8 facts which gaverise to a concern that the individual is armed
- 9 and dangerous.

10 The following factors are among those which should be
11 considered to determine whether a reasonably prudent man in
12 the circumstances would be warranted in the belief that his
13 safety or that of others is in danger:

14 (1) The nature of the suspected crime and
15 whether it involved a weapon.

16 (2) Whether it is day or night.

17 (3) Knowledge of the record or reputation of
18 the person stopped.

19 (4) The number of officers making the stop.

20 (5) The number of persons stopped.

21 (6) The demeanor of the persons.

22 (7) Whether the persons clothes bulge in
23 such a manner as to suggest the presence of
24 weapons.

25 (8) Whether a persons companion is found to
26 be armed.

27 (9) Whether the individual is stopped in a
28 high crime area.

1 (10) Whether the person makes a furtive movement
2 as if he were reaching for a weapon.

3 Not all of the above factors standing alone will,
4 necessarily, justify a frisk.

5 The Scope of the Frisk

6 The purpose of the frisk is to discover guns, knives,
7 clubs, or other hidden instruments that might be used to
8 assault the officer. The scope of the search for weapons
9 should be the minimum necessary to discover the weapons and
10 initially confinds to a superficial pat-down for weapons. The
11 officer should not ask the suspect to empty his pockets or
12 pull up his outer garment, when a pat-down would suffice.

13 The officer may conduct a cursory search, not only
14 of the individual's outer clothing, but of any area from
15 which the individual might easily procure weapons, if the officer
16 reasonably suspects that a weapon is located there.

17 Although the officer may have the right to pat
18 down the individual's outer clothing, he may not reach inside
19 the clothing of the person or search further unless he has
20 reason to believe that the pat-down has disclosed the presence
21 of a weapon. The officer must feel some object which a
22 prudent man could believe was an object usable as an instrument
23 of assault.

24 If the person has removed the object from his pocket
25 and the officers are satisfied that it is not a weapon, they
26 may not search the contents of the otherwise lawfully possessed
27 object further.

1 C. POLICE OFFICER CONSIDERATIONS

2 (1) The officer should never stop an individual
3 unless he feels there is no reasonable alternative
4 to prevent a crime, or learn of its existence, or
5 to prevent the person's escape from detection.

6 (2) A person of a minority or ethnic group,
7 that is contacted by a police officer, shall be
8 given the same protection under the guidelines as
- 9 is herein stated.

10 (3) At the time the officer makes a stop he should
11 announce his identity and his purpose for the stop
12 unless the purpose of the stop is obvious.

13 (4) Valid grounds for a stop do not license
14 unreasonable police conduct.

15 (5) The officer may ask the person to move a short
16 distance or take other appropriate action if
17 necessary to conduct his questioning.

18 (6) The officer may use force to detain a
19 rebellious person, but not deadly force, or
20 force likely to cause serious injury unless necessary
21 for his own protection.

22 (7) The officer may consider a refusal to answer
23 a questions as an element justifying further
24 investigation only if the question posed is one
25 which an innocent person would normally respond to.

26 (8) The officer may consider an attempt to escape
27 as well as facts he learns during his investigation
28 to determine whether or not he has probable cause

1 to arrest.

2 (9) If as a result of the officer's questioning or
3 as a result of his frisk, he decides to arrest, he
4 must advise the person of his constitutional rights
5 before any further questioning.

6 (10) The officer should be polite and non-offensive.

7 (11) Every officer must follow the guidelines when
8 he acts. Otherwise he may have great difficulty
9 justifying his actions after the fact.

10 (12) These guidelines do not apply when the officer
11 merely talks to a person so long as the individual
12 knows he is free to go.

13 IV SUMMARY

14 It is constitutionally permissible for an officer to
15 detain an individual for investigation without probable
16 cause to arrest if the officer has reasonable grounds, based
17 on specific facts, clearly expressed, that the detention was
18 necessary in the interest of crime detection and prevention.
19 If the officer has reasonable grounds, based on specific
20 facts, to believe that the individual detained is armed and
21 dangerous, he may require the person to submit to a superficial
22 frisk for weapons. If the frisk reveals an object which feels
23 like a weapon, the officer may remove the object from the
24 suspect's possession and examine it further. On the other
25 hand, if the officer has no reason to detain the individual,
26 the frisk is unreasonable. If the officer conducts a search
27 that goes beyond that necessary for the discovery of weapons,
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1 the search, although valid in the beginning, is unreasonable
2 in scope. If the stop or the frisk or the scope of the frisk
3 are held unreasonable, any evidence obtained by the officers
4 as a result of these actions will be inadmissible in evidence.
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CITIZEN COMPLAINT - COMMENDATION PROCEDURE

9.5

CITIZEN COMPLAINTS

9.51

PURPOSE

A relationship of trust and confidence between members of the department and the community they serve is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful, and impartial manner without fear of reprisal. So too, enforcers of the law have a special obligation to respect meticulously the rights of all persons.

The police department acknowledges its responsibility to establish a complaint system and disciplinary procedure which not only will subject the officer to corrective action when he conducts himself improperly, but also will protect him from unwarranted criticism when he discharges his duties properly. It is the purpose of these procedures to provide a prompt, just, open and expeditious disposition of complaints regarding the conduct of members and employees of this Department.

9.52

POLICY

It is the policy of the City of Woodland and of the Woodland Police Department to encourage citizens to bring to the attention of the department complaints about the conduct of its members whenever a citizen believes that a law enforcement act is improper. Complaints will be received courteously by all on-duty employees of the department.

The department will make every effort to insure that no

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1 adverse consequences occur to any person or witness as a
2 result of having brought a complaint or having provided
3 information in any investigation of a complaint. Any department
4 employee who subjects a complaintant to recrimination or
5 retaliation shall incur appropriate disciplinary action.

6 A. Public Awareness

7 Summaries of of the complaint process, containing the
8 essential elements of these procedures, shall be made
9 available to the public. Likewise, copies of the procedures
10 shall be made available to the public upon request. Such
11 summaries and copies shall be available in Spanish to the
12 degree needed by the public.

13 B. Investigation

14 All citizen complaints will be thoroughly and impartially
15 investigated in accordance with the procedures prescribed
16 herein.

17 C. Disposition

18 Complaint disposition will be made in a fair and prompt
19 manner, consistent with the time limits set forth in these
20 procedures and with the obligation of providing an equitable
21 and lawful process for all involved parties.

22 9.53

DEFINITION OF TERMS

23 Complaint: A statement made alleging that a depart-
24 ment member (sworn or non-sworn) has engaged in an
25 act constituting misconduct. Complaints can be
26 made by members of the public and department personnel.

27 Complainant: The person who files a complaint with
28 the department alleging the commission of misconduct

1 by a member or members of the department and
2 includes any aggrieved party and any person or
3 group who assists him in filing the complaint.

4 Member: Both sworn and civilian employees of
5 the department.

6 Misconduct: Under these procedures is shown by a
7 preponderance of the evidence that a member of
8 the department has:

9 (1) Violated any rule, procedure or lawful order
10 of the department;

11 (2) Violated any of the provisions of the City
12 Charter or of any section of the Civil Service
13 or Merit Plan rules relating to employee
14 conduct in office;

15 (3) Violated any law, whether codified by city
16 statute, state or federal statute, or constitu-
17 tional provision.

18 Rules and Regulations: The administrative acts
19 promulgated by the Chief of Police which are
20 designed to regulate departmental standards of
21 conduct and appearance.

22 Witness: A person who can produce evidence rele-
23 vant to an alleged misconduct.

24 9.54

COMPLAINT FORMS

25 The Police Department shall prepare complaint forms
26 summarizing these procedures and providing sufficient space
27 to record citizen reports of alleged misconduct. These forms
28 shall be available to the public at the department and the

1 city clerks office. The form shall be completed as thoroughly
2 as practical, and all spaces shall have information inserted
3 (i.e., not known, refused, etc.). The following information
4 shall be included on the form.

5 A. Name, address, and telephone number of the complainant;

6 B. Name, address, and telephone number if known of the
7 alleged victim if other than the complainant;

8 C. Name (s), address(es), telephone number (s) and/or
9 description(s) of any witness(es) to the alleged
10 incident, including department members;

11 D. Name(s), and/or badge number(s) and description(s) of
12 the member(s) of the department against whom the
13 complaint is lodged;

14 E. Name(s), address(es), and telephone number(s) of
15 any person(s) arrested, detained, or questioned;

16 F. Name, address, and telephone number of any attorney
17 or other representative of the complainant to whom
18 communications concerning the complaint should be
19 addressed in lieu of the complainant;

20 G. Date, time, and location of the alleged incident;

21 H. Narrative description of the events giving rise to the
22 complaint;

23 I. Statement, if known, whether the complainant, the
24 alleged victim of the misconduct (if other than the
25 complainant) or any other witness to the alleged
26 incident, was questioned, detained, arrested and/or
27 charged with criminal conduct as a result of the
28 events giving rise to the complaint;

- 1 J. Statement whether it is permissible for the assigned
2 investigator to contact the complaint at home or place of
3 employment;
4 K. Name, business telephone number, and signature of the department
5 member receiving the complaint;
6 L. Instructions to give a duplicate copy of the completed form to the
7 complainant.

8 9.55 RECEIVING COMPLAINT

9 Every person has an absolute right to bring a complaint. His or her
10 reluctance to prepare a complaint form shall not impair that right. If the
11 complainant will not complete the form, or sign it, it shall be completed
12 by the department member with whom the complaint is lodged.

- 13 A. Citizen complaints shall be accepted by members of the
14 department at any time of day. Complaints shall be
15 accepted from any source and shall be accepted in writing,
16 in person or by telephone. Complaints may also be made
17 anonymously; the complainant need not give his or her name.
18 B. The complaining party may be accompanied by an attorney
19 or other representative at the time the
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1 complaint is made and at other times during the
2 complaint process.

3 C. Citizen complaint reports shall be received by
4 Internal Affairs (IA) investigators (or a
5 designated employee functioning in the capacity
6 either full or part-time) whenever possible.
7 Thus, complaint reports made in person or by
8 telephone, shall be referred to IA personnel
9 whenever such personnel are available.

10 D. If the complaint is lodged in person and IA
11 personnel are not available, the employee receiving
12 it shall furnish the complainant with a complaint
13 form. The complainant shall be asked to
14 complete the form and sign it, and the employee
15 receiving the complaint shall assist the complainant
16 in completing the form, if requested. An oath
17 or declaration shall not be required. The
18 complainant may refuse to sign the form or give
19 his or her name.

20 In every case, the department member receiving the
21 complaint shall sign the form in the space provided.
22 The date and time received shall also be indicated
23 and a duplicate copy of the complaint report shall
24 be given to the complainant as his/her receipt.

25 E. If the complaint is received by mail, the complaint
26 form shall be completed by (1) IA personnel
27 or another member functioning in that capacity;
28 or (2) the captain or a designated commander

1 responsible for complaint processing. Within two
2 working days, a duplicate copy of the complaint
3 form shall be mailed to the complainant as a record
4 of the filing of the complaint. If the complaint
5 form is mailed and has already been completed
6 by the complainant, it shall be referred to the
7 responsible employee as set forth in (1) or (2)
8 above. He or she only need place his/her
9 signature and the date and time received in the
10 space provided and mail the duplicate copy to
11 the complainant.

12 F. If the complaint is received by telephone, the
13 department member receiving the call, or personnel
14 set forth in subsection "E" above, shall complete the
15 original complaint form and prepare a duplicate
16 copy for mailing to the complainant. The employee
17 receiving the complaint shall inform the complainant
18 of his or her name and complaint report number.

19 G. If the complaint is received from an anonymous
20 person, the receiving employee shall inform the
21 complainant of the availability of formal complaint
22 procedures. Additionally, the complainant shall
23 be advised that although the complaint will be
24 investigated, the statement of the anonymous
25 complainant will not be used as evidence under
26 these procedures because the information would
27 constitute hearsay.

28 The person receiving an anonymous complaint shall

1 complete the complaint form to the best of his
2 ability given the "anonymous" circumstances of
3 the complaint. An effort must be made to obtain
4 sufficient information so as to allow a determination
5 of the charges, since later contact with the complaint
6 shall indicated "anonymous complaint" in the space
7 provided for the complainants' signature.

8 H. All complaint reports received by other than IA
9 personnel shall be referred to the unit or indivi-
10 dual responsible for complaint investigation as
11 as soon as possible and in no case shall the
12 reference exceed one working day.

13 I. The Chief of Police or captain acting during his
14 absence shall immediately be notified of any
15 complaint alleging misconduct which is of a
16 serious or immediately continuing nature. This
17 notification is necessary under these circumstances
18 in order to allow for immediate investigation and/or
19 corrective action. Immediate investigation and/or
20 corrective action is required when circumstances
21 surrounding the alleged misconduct constitute
22 probable cause to believe that a serious erosion
23 of public confidence or a major violation of
24 a citizen's rights will occur absent such action by
25 the department. Any immediate action taken by the
26 highest authority notified would be in addition to
27 an investigation as set forth in these procedures.
28

1 9.56 NOTIFYING PARTIES OF COMPLAINT

- 2 A. Under Part 9.55, subsection "D", "E", and "F" above,
3 the complainant will have received a copy of the
4 original complaint report as a receipt indicating
5 the complaint has been filed.
- 6 B. If the accused member is not identified at the time
7 the complaint is made, and is not so indicated on
8 the report form, he shall be given a copy of the
9 original complaint as soon as the investigator
10 establishes his identity.
- 11 C. When an accused employee is notified of a complaint
12 alleging a major violation, he/she shall also be
13 given a written statement setting forth employee
14 rights and duties when made the subject of an
15 internal discipline investigation.

16 9.57 TIMELINESS OF INVESTIGATION

- 17 A. Every investigation of a citizen complaint shall
18 be completed within 30 calendar days of the filing
19 of the complaint. If the investigation cannot,
20 upon a showing of good cause, be completed
21 within this time period, the investigator may be
22 granted an extension by the Chief of Police. The
23 extension shall not exceed 15 calendar days,
24 although consecutive extensions may be permitted by
25 the Chief of Police when necessary.
- 26 B. The complainant and the accused department member
27 shall be notified of the extension within two
28 working days after it is established.

INVESTIGATIVE RESPONSIBILITY

- A. It is the responsibility of the Internal Affairs unit, Captain, to investigate and or provide staff supervision for the investigation of all citizen complaints.
- B. The assigned investigating authority shall be directly accountable to the Chief of Police or his designee on all matters within the purview of these procedures.
- C. The supervisor in charge shall be notified that a complaint is being filed, and that supervisor shall attempt to resolve that complaint unless it alleges misconduct of a serious and immediately continuous nature. In such cases, the investigating authority shall provide administrative control and review over the investigation.
- D. In addition to complaints alleging misconduct, the investigating authority shall, unless otherwise assigned by the executive officer, have authority to conduct or, as in cases involving bodily injury or homicide, supervise and control investigations into the following situations and circumstances;
- (1) Any situation where an officer has been injured or killed by the willful or deliberate act of another person;
 - (2) Any situation where a citizen has been killed or injured by an officer, whether on duty or not;
 - (3) Any situation involving the discharge of a firearm by an officer, other than in training;

1 (4) Assisting any member of the department by
2 investigating cases of personnel harrassment, threats,
3 false accusations, or contrived situations which
4 may be harmful to him;

5 (5) Assisting or otherwise taking charge of any
6 disciplinary case when instructed to do so by the
7 Chief of Police of the department.

8 E. If a complaint alleges misconduct on the part of
9 a member responsible for or assigned to internal
10 investigations, the Chief of Police may assign
11 the case to another commanding officer unconnected
12 with that function.

13 F. The Chief of Police shall have the authority to
14 obtain the assistance of or refer an investigation
15 to external prosecuting agencies in any case where
16 serious criminal charges are alleged or whenever the
17 public interest would best be served.

18 9.59 INVESTIGATION PROCEDURE

19 A. Upon assignment of the case, the responsible
20 investigator shall, within two working days,
21 notify the complainant of his name, business
22 telephone number where he can be reached, and
23 case file number.

24 B. The investigator shall be responsible for notifi-
25 cation of the complainant and the accused department
26 member as set forth under 9.57, B, relating to
27 delays in the investigation.

28 C. It is the responsibility of the assigned investigator

1 to thoroughly investigate the case and submit
2 a complete investigation report as provided
3 under these procedures. All relevant information
4 obtained by the investigator shall be entered into
5 the investigation report.

6 D. The investigation shall not be delayed or suspended
7 because of any concurrent civil or criminal pro-
8 ceeding to which the complainant is a party, unless:

9 (1) The complainant requests such a delay, and
10 there is no reason to believe that the alleged
11 conduct of the accused member is of a serious or
12 continuing nature.

13 (2) Upon the explicit advise of the city attorney
14 or under the direction of the Chief of Police.

15 9.60 INVESTIGATION REPORT

16 a. Upon completion of the investigation, the assigned
17 investigator shall prepare an Investigation Report.

18 b. The Investigation Report shall be detailed. The body
19 of the Report shall be organized as follows:

20 (1) Complaint. This section shall consist of a resume
21 of the complaint as made by the complainant, and an
22 itemized listing of each allegation of the complaint.
23 It shall be concise, and shall include reference to
24 those rules, procedures, orders, ordinances, statutes,
25 other settled law, or constitutional provisions which
26 would be violated, if the allegations are taken as
27 true.

23 (2) Investigation. This section shall consist of a

1 chronological summary of the investigation and
2 pertinent facts derived from interviews conducted
3 with the complainant, accused member, and all
4 witnesses available; written statements from any
5 of the interested persons; descriptions and
6 analysis of any physical evidence obtained; and
7 all other information and materials pertinent
8 to the complaint which came to the attention
9 to the assigned investigator.

10 (3) Conclusion. This section shall consist of the
11 findings of the investigation and reasons for the
12 findings in connection with each allegation.

13 9.61 REVIEW OF THE INVESTIGATION: DISPOSITION

14 a. Immediately upon completion of the investigation, the
15 Chief of Police shall review the written Report, and the
16 investigation file. He shall determine whether:

- 17 (1) Any allegations of the complaint are sustained; or
18 (2) All allegations of the complaint are not sustained.

19 b. The Chief of Police may also determine that the
20 complaint is not one against an individual officer, but rather
21 a complaint concerning a departmental policy or practice.

22 c. The Chief of Police, after review of the investigative
23 file, and prior to the taking of any formal action, shall contact
24 the complainant in writing and offer the individual a optional
25 personal interview to discuss the complaint. At such interview,
26 the Chief shall discuss the complaint, the investigation and
27 any proposed resolution with the complainant. He shall offer
28 the complainant the opportunity to provide any further evidence

1 or testimony elicited in reaching a decision regarding the
2 complaint.

3 d. After making the finding or findings referred to
4 above, the Chief of Police shall take appropriate disciplinary
5 action if warranted. Disciplinary action shall be based on
6 the investigation file and report, and the accused member's
7 record of service.

8 e. After determining whether disciplinary action is to
9 be taken, the Chief of Police shall notify the complainant, and
10 the accused officer, in writing, of the investigative findings
11 and disposition of the complaint, and the reasons for the
12 findings and disposition.

13 9.62

COMMENDATIONS

14 Citizens shall likewise be apprised of the fact that
15 officer's may be commended for meritorious performance. Citizen
16 commendation forms shall be made available in a similar
17 fashion to complaint forms. Letters or other expression of
18 commendation shall be accepted by the department.

19 9.63

FURTHER APPEAL

20 If the complainant or subject officer is dissatisfied
21 with the determination of the Chief of Police, he or she may
22 further appeal the matter to the City Manager.
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CHAPTER 12

USE OF FORCE

12.1

UNDERSTANDING OF LIMITATIONS

The purpose of this Section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties. "Reasonableness" is the standard, and the officer must be prepared to state articulable facts showing the reasonableness of his actions under the circumstances.

12.2

REASONABLE FORCE

a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent his escape or to overcome resistance. The person making an arrest is acting lawfully if the force and means used, are such as would be considered necessary by the ordinary reasonable person placed in the same position.

b. Willful inhumanity or oppression toward a prisoner or unlawfully assaulting or beating a prisoner is punishable as a crime. Officers shall not use unnecessary force or violence in making an arrest or dealing with a prisoner or any other person.

c. The use of a deadly weapon is the most extreme use of force and therefore is allowed only in extreme situations. (See sections 12.22 and 12.3)

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1 d. Officers shall not use their batons except as a
2 defensive weapon, or as a restraining device to control
3 violent persons, or for crowd control, in accordance with
4 training tactics approved by the Chief of Police. The
5 unreasonable brandishing of a baton for the purpose of
6 intimidation is not within the proscribed training procedures
7 of the Police Department. The baton should not be removed
8 from the ring unless the situation warrants its removal.
9 When in the performance of the officers duties the baton is
10 used a report will be made on the incident and submitted to
11 the shift Sergeant or Officer-In-Charge, ("O.I.C.").

12 12.22 USE OF DEADLY FORCE

13 12.2.21 DEFINITIONS

14 1. Deadly Force - that which is likely to cause serious
15 bodily injury or death.

16 2. Serious Bodily Injury - bodily injury that creates a
17 substantial risk of death or that causes death, serious
18 permanent disfigurement, or protracted loss or impairment of
19 the function of any bodily member or organ.

20 3. Imminent Commission - the officer has probable
21 cause to believe the offense is threatening to occur immediately.

22 4. Detention Area - that area or areas of the Woodland Police
23 Department building or other place designated and used for the
24 confinement of persons arrested for, charged with, or convicted
25 of an offense. For purposes of this policy a person shall be
26 considered in jail while in that part of Woodland Police Depart-
27 ment building designated as the security section and that person
28 is being confined there for transfer to the

1 Sheriffs Department or until he is legally released.

2 5. Reasonable Belief - A belief based on the particular
3 set of facts or circumstances known to or observed by the
4 officer and which would thereby be warranted in the mind of
5 an ordinary and prudent man in the same or similar circumstances.

6 12.3 FIREARMS

7 12.3.1 USE OF FIREARMS

8 The use of firearms is the use of deadly force. If
9 deadly force cannot be legally employed, the use of firearms
10 is not authorized. Police officers shall exhaust every reason-
11 able means of defense and apprehension before resorting to
12 the use of firearms if time and circumstances permit. An
13 officer shall not discharge firearms in the performance of
14 his police duties except under the following circumstances:

15 a. In the necessary defense of himself or others
16 from death or grievous injury;

17 b. To effect the arrest of suspects in violent or
18 potentially deadly felonies, or to prevent an escape of a
19 felony suspect, or to recapture a felony escapee when other
20 means have failed or could not be reasonably employed. (See
21 P.C. § 196.3) Also Note: A recent Court of Appeals case has
22 held that "deadly force may not be used against a fleeing suspect
23 unless the felony is of the violent variety, i.e., a forcible
24 and atrocious one which threatens death or serious bodily
25 harm, or there are other circumstances which reasonably
26 create a fear of death or serious bodily harm to the officer
27 or to another." Peterson v. City of Long Beach 72 C.A. 3d
28 852 (1977) Citing Kortum v. Alkire (1977) 69 Cal. App. 3d 325

1 [138 Cal. Rptr. 26]. The Peterson case is currently on appeal
2 to the California Supreme Court. The California Supreme Court's
3 decision will be the policy.

4 c. To prevent a crime in which human life reasonably
5 appears to be in serious jeopardy as a result of a suspect's
6 actions;

7 d. To kill a dangerous animal which is seriously
8 injured or poses a real threat to the safety of humans by use
9 of firearms is approved when no other disposition is practical
10 and safety of people has been given prime consideration;

11 e. For target practice at an approved range.

12 12.312 CONFLICT WITH STATE LAW

13 In the event of any legal conflict between this policy
14 and state law, state law shall control.

15 12.32 HANDLING RESTRICTIONS

16 a. Employees shall exercise the utmost care and caution
17 in the use of firearms at all times and shall not needlessly
18 display or carelessly handle any firearms in any police
19 building or public place. The improper use of a weapon can
20 lead to civil or criminal action against the officer.

21 b. Firearms shall not be discharged as a warning to
22 stop a fleeing person or to gain control of an arrest except:

23 1. Shots fired for the purpose of summoning aid when the
24 safety of any person is at stake and more conventional
25 communication is not likely to be effective,

26 2. Shots fired with the intent to stop a threatened
27 attack by persons engaged in a riot upon an officer or innocent
28 victims or prisoners.

1 c. Discharging a firearm from or at a moving vehicle
2 is prohibited unless the occupants of the other vehicle are
3 using deadly force against the officer or any other person.

4 d. An officer is allowed to draw or to display (point)
5 a weapon only if there is reason to fear for his personal
6 safety and/or the safety of others.

7 e. Peace officers shall not surrender their firearms
8 unless as a last resort and only after using every tactical
- 9 tool at their disposal. Surrender of a weapon rarely
10 de-escalates a serious situation and can in fact put an officer
11 and innocent person in jeopardy.

12 f. Employees are specifically prohibited from engaging
13 in any form of "dry" shooting in any police building or
14 public place, except as a part of a training course under
15 supervision. This term is meant to include any form of aiming
16 or trigger-pull practice, or snapping of the hammer.

17 g. Officers shall not clean, repair, load or unload
18 firearms in any public place or police station without the
19 permission of their immediate supervisor or range officer.
20 This restriction shall not apply to sidearms, when loading or
21 unloading is ordered by a supervising officer for inspection
22 purposes or to other weapons which have been removed from
23 the arms rack or locker for temporary police purpose.
24 Emergency weapons shall be presented to a supervising officer
25 or designated range officer for inspection before being returned
26 to the gun locker.

27 12.33

CARRYING OF FIREARMS

28 a. Only those officers who meet this department's minimum

1 requirements for demonstrated proficiency in the use of
2 firearms shall be allowed to carry firearms in the course of
3 their employment. Demonstrated proficiency shall mean
4 achieving minimum scores at least semi-annually on a prescribed
5 course supervised by a person designated by the Chief of
6 Police and attaining and demonstrating a knowledge of the
7 laws concerning the use of firearms and the principles of
8 accepted procedures for the use of firearms.

9 b. All members of the department will register all
10 firearms individually owned and used within the scope of their
11 employment.

12 c. Officers off-duty while in public places may carry
13 a concealed firearm. The firearm can be either revolver or
14 semi-automatic type and will be properly concealed from the
15 public view.

16 Carrying a second gun is prohibited unless circumstances
17 warrant it and prior authorization of the Chief of Police
18 is obtained.

19 12.34

AUTHORIZED WEAPON

20 a. The authorized weapon for uniformed duty in this
21 department is a .357 magnum with a four (4) inch barrel
22 provided by the City of Woodland.

23 b. While on duty investigators or administrative officers
24 wearing plain clothes are authorized to carry a .357 magnum
25 two-and-half (2 1/2) inch barrel provided by the City of
26 Woodland.

27 c. Officers while off-duty may carry weapons except if
28 otherwise determined by the Chief of Police.

1 d. The department shall issue both .357 magnum and .38
2 special ammunition. The .38 special ammunition may have a
3 minimum of 110 grain and a maximum of 158 grain rating.

4 e. While on duty all officers shall carry in their
5 weapons six (6) rounds of .38 special ammunition. The
6 officers shall carry an additional six (6) rounds of .357
7 magnum ammunition, which may be used when the situation
8 warrants it.

9 12.35

DISCHARGE OF FIREARMS

10 Whenever a member of this department discharges a firearm
11 either accidentally or in the performance of police duties,
12 except at an approved range, he shall verbally notify his
13 immediate supervisor as soon as time and circumstances permit,
14 but in no event later than the conclusion of his current tour
15 of duty.

16 a. The member who discharged his firearm shall also
17 file a detailed written report of the incident within 8 hours
18 after the incident occurred and the report shall be directed
19 to the Chief of Police through established channels. The
20 written report shall include the following information

21 (1) Name and City identification number of the
22 officer who discharged the firearm(s).

23 (2) Date and time of occurrence.

24 (3) Location of occurrence.

25 (4) Type, caliber, and serial number of firearm(s)
26 discharged.

27 (5) Type and caliber of ammunition fired.

28 (6) Number of shots fired and direction shots

1 were fired.

2 (7) Description of object fired at. (If person,
3 name, race, sex, DOB, etc., if known; if an
4 animal, a brief description).

5 (8) Whether or not the object fired at was moving,
6 standing, or barricaded and direction of
7 travel if in a vehicle.

8 (9) Whether or not the officer or officers were
9 moving in a vehicle, standing, running,
10 barricaded, etc.

11 (10) Results of the shot(s) fired (extent of wounds,
12 other objects struck, etc.).

13 (11) Names of supervisor, commander, and investigators
14 responding to scene.

15 (12) Other pertinent information concerning the
16 incident written in narrative form. To be
17 included are the reasons for the use of firearms,
18 etc.....

19 b. If the member who discharged his firearm is hospitalized
20 or fatally injured during the tour of duty and incapable of
21 filing the written report his immediate supervisor is responsi-
22 ble for filing as complete a report as possible pending further
23 departmental investigation.

24 c. Division commanders shall personally review such
25 reports of the discharge of firearms, and shall designate a
26 detective to investigate the facts and circumstances reported.
27 This investigative report shall be submitted to the Chief of
28 Police.

- (1) be computed on approved departmental range score cards by the member submitting the score for record; and
- (2) be verified as true and accurate by signature of the range officer and/or training officer, and,
- (3) be submitted to the training officer for posting and/or filing no later than the last day of each month.

12.37 USE OF SHOTGUNS AND RIFLES

a. The discharge of a shotgun and/or rifle constitutes the use of deadly force. It is therefore only appropriate to discharge a shotgun and/or rifle when an officer is facing deadly force as defined above.

b. An officer's shotgun and/or rifle should remain in his or her car unless the situation appears or threatens to become sufficiently dangerous to himself or others that its display for deterrence, or use for defense, will become reasonably necessary. Pointing or brandishing a weapon for purposes of intimidation is prohibited.

c. The issuance of the shotgun and/or rifle will be by the shift supervisor. The officer must first show his or her proficiency in shooting and handling these weapons, by the minimum standard set by the Chief of Police.

Failure to meet the semi-annual minimum shoot standards will be considered as a failure to maintain police proficiency and will necessitate a letter of explanation to the Chief of Police. Repeated failure to maintain a minimum semi-annual

1 d. A Board of Inquiry consisting of an officer of the
2 rank of lieutenant or higher and one officer of the rank of
3 the officer who discharged the firearm shall be appointed by
4 the Chief of Police to review the facts in each instance of a
5 discharge of a weapon by an officer in the performance of his
6 duty where death or injury results. The Board shall prepare a
7 report for the Chief of Police which sets forth the facts of
8 the incident and which includes the Board's opinion and whether
9 the discharge violated any law or departmental directive. The
10 Board is a fact finding body which shall not be responsible for
11 recommending disciplinary action.

12 12.36 FIREARM QUALIFICATION

13 a. All sworn personnel of this department are required
14 to maintain a minimum shoot score as stipulated by
15 the training officer. This minimum shoot qualification will
16 be fired with a regulation firearm and range ammunition.

17 b. Failure to meet the minimum proficiency standard as
18 set by the training officer, semi-annually, will necessitate a
19 letter of explanation to the Chief of Police. Repeated failure
20 to maintain a minimum semi-annual standard may result in
21 disciplinary action.

22 c. If the firearm used off-duty is other than the one
23 issued by the Woodland Police Department, the officer will be
24 required to achieve the minimum required score at least semi-
25 annually on a prescribed shooting course supervised by the
26 person designated by the Chief of Police.

27 d. All range scores to be entered into the official
28 departmental records shall:

1 shooting standard may result in disciplinary action.

2 12.4 TEAR GAS AND MACE

3 12.41 PURPOSE

4 Tear gas or mace may be used only when the occasion demands
5 the use of reasonable force to subdue a violent or potentially
6 dangerous person, and when other means short of deadly force
7 are not reasonable or practicable.

8 a. Whenever the tear gas or mace is used the circumstances
- 9 surrounding its use will be described in detail in a written
10 report by the using officer, detailing the events leading up
11 to its use, the procedure used, and the results. The shift
12 supervisor shall submit the report with his comments, if any,
13 to the Captain.

14 After a disablement and arrest, in which mace has been
15 used, the arresting officer shall permit or assist in the
16 relief of the affected areas as soon as practicable by flush-
17 ing with cold water or a mild solution of cold water and
18 baking soda.

19 12.43 USE OF TEAR GAS

20 a. Tear gas shall be used only if a situation develops
21 where it is reasonably apparent that either the subject, a
22 citizen, or an officer may be injured if a crowd threatening
23 imminent bodily harm refuses to disperse after a proper
24 command of a peace officer (ie., reading the "riot act")
25 and cannot reasonably be dispersed without the use of tear
26 gas. Tear gas also may be used to apprehend an armed indivi-
27 dual who is hiding in a building or other place if such
28 person cannot otherwise be apprehended without unreasonable

1 risk of harm to himself or to others.

2 b. Tear gas shall be employed only by, or at the
3 direction of a field supervisor or administrative officer.

4 c. The supervisor directing the use of tear gas shall
5 submit a written report detailing the events leading up to
6 its use, the procedure used and the results to the Chief
7 of Police at the conclusion of that shift. If the shift
8 supervisor is unable to submit a report because of injury or
9 death the Captain shall designate a field supervisor or
10 detective to investigate and submit their findings on the
11 incident.

12 12.44 USE OF MISCELLANEOUS EQUIPMENT

13 a. The police officer has at his disposal numerous
14 pieces of equipment, which could be used as weapons. It is
15 this department's policy that any piece of equipment that has
16 not been herein designated as a weapon shall not be used as
17 such, unless necessary to protect the officer or citizen from
18 serious injury or death.

19 12.45 VIOLATION OF POLICIES

20 Violation of these policies, or any other policy contained
21 in this manual may be cause for discipline including, but
22 not limited to suspension or termination.
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28